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Cultural Policies of the Past, or a Direction for the Future?
The Implications of Intangible Cultural Heritage in the 21st Century

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Cultural Policies of the Past, or a Direction for the Future?

The Implications of Intangible Cultural Heritage in the 21st Century

by

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Abstract

Cultural Policies of the Past, or a Direction for the Future? The Implications of Intangible Cultural Heritage in the 21st Century

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Efforts to document and preserve musical practices have played an important role in ethnomusicology since the formal inception of the discipline in the 1950s. Governments, NGOs, and transnational organizations such as UNESCO have promoted the protection of traditions for myriad reasons, including boosting national sentiment and capitalizing on touristic endeavors. However, these safeguarding projects often come with unwanted consequences to the local culture bearers and their customs. Cultural policies that recognize and aim to preserve particular musical practices increase the risk of commodification and exploitation. One notable example of influential cultural policymaking is that of UNESCO's 2003 *Convention for the Safeguarding of Intangible Cultural Heritage*. This paper synthesizes common critiques and themes of existing literature on music as intangible cultural heritage, especially relating to UNESCO's 2003 Convention. It also offers recent case studies of ethnomusicological involvement in

cultural policymaking that will help to ensure positive results for local practitioners and their musics in the future.

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Since the 1960s, anthropologists and folklorists have frequently questioned the concept of culture or heritage as a stagnant structure of unchanging conventions. The development of the Birmingham School in the late 1970s encouraged social scientists to conceptualize structures of power, and thus culture, differently as well. Its scholarship suggested that cultural behaviors be viewed as part of constantly fluctuating power relations between distinct social classes. Raymond Williams, whose work strongly influenced Birmingham cultural studies, argued that traditions were "an aspect of *contemporary* social and cultural organization, in the interest of the dominance of a specific class" (1977: 116, emphasis in original). He suggested that traditions represented the interests of the present, and thus promoted the phrase "selective" traditions in order to emphasize "an intentionally selective version of a shaping past and a pre-shaped present, which is then powerfully operative in the process of social and cultural definition and identification" (115). Williams concluded that traditions were shaped by larger hegemonic institutional structures. Similar views are found in the writings of his contemporaries such as Roy Wagner and Eric Hobsbawm. Both of them take a Foucauldian approach, describing culture as governed and regulated by institutionalized systems of knowledge and suggest that traditions are created and maintained partially through behaviors related to distinct social classes (Wagner 1981: 124; Hobsbawm 1983: 9).

Ideas of tradition as a consciously constructed phenomenon became widespread by the 1990s. As Jocelyn Linnekin suggested in 1992, "if there is a paradigm shift underway it may lie in a widespread rejection of the objectivist concept of culture as a

thing-like bundle of traits amenable to scientific description, and an increasing tendency to view culture as symbolically produced or 'constructed' in the present" (250-51). Thomas Turino similarly posited that culture be viewed as consisting of distinct subcultural "cohorts" whose members in many cases consciously choose to join and identify with them (2008: 111). This paper continues the trajectory of scholarship on tradition in the sense that it moves away from "objectivist" notions of traditions and views them as "selective representation[s] of the past, fashioned in the present, responsive to contemporary priorities and agendas, and politically instrumental" (Linnekin 1992: 251). Increasingly, governmental institutions have capitalized on certain traditions as worthy of safeguarding, often by valorizing its protection or perpetuation in some form.

Literature on intangible cultural heritage that emerged in the early 2000s emphasized the importance of safeguarding traditions that were changing at an accelerated pace due to processes of globalization. State and transnational organizations prioritized the documentation and sustainability of oral traditions, especially after the ratification of UNESCO's 2003 *Convention for the Safeguarding of Intangible Cultural Heritage*[1] (hereafter ICH Convention). Scholarship on ICH suggests that political and economic motives are at the forefront of such agendas and that the creation of policies to protect musical traditions often has drastic effects on the performance practices and local meanings associated with them (Kenny 2009; Kraef 2012; Silverman 2015; Yun 2015).

[1] Approved on October 17, 2003 with 120 votes in favor and no votes against, the stated goal of the ICH Convention "is to safeguard the practices, representations, expressions, knowledge and skills that communities, groups and, in some cases, individuals recognize as part of their cultural heritage" ("Working Towards a Convention," www.unesco.org).

Through ICH declarations, government institutions celebrate those components of cultural practice that yield the most benefit to the nation state. Conversely, community practitioners of the traditions in question often find ways in which to market their cultural heritage through UNESCO or other entities in order to achieve local goals such as the safeguarding of land rights for indigenous peoples (Hale 2005; Navas 2017, personal communication).

Most scholarship on ICH to date has either theorized heritage more broadly or analyzed a particular tradition as a case study; this paper synthesizes existing scholarship on the topic and proposes suggestions for ethnomusicological work on ICH in the future. The first section provides an overview of early cultural policies and scholarship relating to the topic before the inception of UNESCO's ICH Convention. It also explores ethnomusicology's involvement with preservation projects relating to cultural heritage during the same time period. The second section examines central themes in existing literature on ICH, including studies of the act of list-making, the political and economic motivations for safeguarding, the varied methods associated with ICH protection, and the impact of safeguarding practices on local communities. The final section suggests lacunae in cultural heritage scholarship and offers approaches to make future publications by ethnomusicologists as relevant as possible. While I cite examples and case studies from various locations around the world, the three publications I discuss in the final segment come from multiple sites in Latin America. I argue that the most productive strategy ethnomusicologists can employ going forward is to become familiar with

cultural policymaking systems and to help local communities implement their own safeguarding agendas for local cultural heritage.

Precursors to UNESCO's 2003 ICH Convention

Concern for documenting and preserving musical traditions dates back long before UNESCO's 2003 ICH Convention. The desire to preserve traditions in danger of disappearance appears prominently in the work of anthropologist Franz Boas and concern for "salvage anthropology" around the turn of the twentieth century (Asch 2015: 483). Ethnomusicology as a discipline developed out of the increased focus on the documentation of world music traditions in the middle of the twentieth century and fear of "cultural greyout" (Nettl 2015: 174), the eclipse of traditional music by commercial media. The desire for recognizing and protecting cultural heritage (both tangible and intangible[2]) increased considerably after the Second World War. In 1947, scholars formed the International Council for Traditional Music (ICTM),[3] a "non-governmental organization in formal consultative relations with UNESCO" that endeavored "to further the study, practice, documentation, preservation, and dissemination of traditional music and dance of all countries" (www.ictmusic.org). As of this writing, ICTM has published 48 volumes of the *Yearbook for Traditional Music* and regularly includes scholarship on issues of cultural heritage.

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[2] While tangible and intangible are neither mutually exclusive nor clearly distinguishable (Kurin 2004: 70), I use the two terms to parallel the way in which UNESCO categorizes types of heritage. Tangible heritage includes monuments and objects; intangible heritage consists of "traditions or living expressions inherited from our ancestors and passed on to our descendants, such as oral traditions, performing arts, social practices, rituals, festive events, knowledge and practices concerning nature and the universe or the knowledge and skills to produce traditional crafts" ("What is Intangible Cultural Heritage?" www.unesco.org).

[3] Known as the International Folk Music Council prior to 1981 (Seeger 2009:117).

In the aftermath of WWII, governments of nation-states around the world and particularly in Asia felt a pressing need to recognize and celebrate cultural diversity within their political boundaries in order to promote national pride. Japan led the movement of safeguarding intangible cultural heritage by drafting the *Law for the Protection of Cultural Properties* in 1950 "in reaction to the concern that ancient, royal, and local traditions would disappear in the wake of modernization and thus diminish national identity" (Kurin 2004: 67). The document defined and embraced both tangible and intangible forms of cultural heritage and emphasized the necessity to protect Japanese culture "for the very survival of the civilization" rather than for commercial gain (68). Korea followed with a similar policy of their own in 1960, and other countries soon adopted analogous plans (Foley 2014: 378). As Kathy Foley argues, "it is likely that, without Japan's model and Japanese leadership, neither the masterpiece program nor the 2003 [ICH] convention would have been developed" (380).

The establishment of the Smithsonian Folklife Festival (SFF)[4] in the 1960s represents a similar effort to promote national (and later international) intangible cultural heritage. As a response to the decline in the popularity of museums,[5] Smithsonian's performing arts director James Morris asked folklorists and musicians, including Ralph Rinzler and Mike Seeger, to find grassroots artists willing to share their music on the

[4] Originally the Festival of American Folklife (FAF), the Smithsonian Folklife Festival adopted its current name in 1998 after the festival began showcasing cultural heritage practices from not only the United States but around the world (Titon 1999: 136).

[5] The surge of immigration to the United States in the 1960s greatly diversified the country's demographics (Zhao 2016). New immigrants brought cultural values and practices to the US that did not always reflect how museums represented them. The 1960s saw a decline in popularity of museums due to the disconnect between personal connections and understandings of immigrants living in the US and the outdated anthropological perceptions and stagnant objects in "glass cages" in museums (Kurin 1997: 86, 110).

National Mall during the weekend of the Fourth of July (Kurin 2014: 406). Since Rinzler previously worked for the Newport Music Festival, he conceived the SFF to primarily highlight musical practices, and only later incorporated other forms of intangible heritage into the event. The Festival became a yearly success, attracting visitors from around the country and foregrounding traditions otherwise unknown to the general public. As Kurin explains, "though its 'collection' was essentially ephemeral, Festival staff and volunteers took great pains to document performances and demonstrations, so that over the years there has been an impressive record made—through video and film, sound recordings and images—of the traditions represented" (411). He also argues "because of the Festival, thousands of academic and community scholars have engaged in fieldwork to document and analyze numerous forms of cultural expressions" (414). Several ethnomusicologists participated in the SFF in varying capacities and subsequently wrote literature on their experiences before the implementation of the ICH Convention in 2009. They include Jeff Todd Titon's and his work with Old Regular Baptists at the 1997 Festival (1999); Ricardo Trimillos' planning of the Filipino folk demonstration in 1998 (2008); and Helen Rees' involvement in the 2007 Festival with "Mekong River: Connecting Cultures" (2012). By the 1990s, the Smithsonian Center for Folklife and Cultural Heritage "became increasingly involved in UNESCO cultural policy discussions," including participation in the drafting of the ICH Convention (Cadaval and Diaz-Carrera 2014: 427). The successful founding of the ICTM as an authority on folk music and dance, the Japanese government's interest in preserving and promoting national identity through cultural heritage, and the growing scholarship on various traditions around the world due to the

SFF all merged with UNESCO's efforts to protect heritage in the late twentieth century, and ultimately led to the drafting of the 2003 ICH Convention.

UNESCO's first official initiative to safeguard traditions was the 1972 *Convention for the Protection of World Cultural and Natural Heritage* (Kurin 2004: 68). The combination of devastating damage to cultural and ecological sites during WWII and ongoing political conflicts during the Cold War served as the primary impetus for this convention ("Convention Concerning the Protection of the World Cultural and Natural Heritage," whc.unesco.org). It resulted in the creation of a "World Heritage List" by means of which cultural and ecological sites around the world were recognized as deserving of preservation. As Michael Di Giovine suggests, the larger goal of UNESCO's world heritage project consisted of an international peacemaking effort to valorize heritage sites as places belonging to the world rather than to a single nation, so that all countries would be responsible for their safeguarding (Di Giovine 2009: 71-73). While UNESCO thus reimagined the world as unified by groupings of cultural sites rather than divided by political borders, the success of the convention relied on individual governments to fund, nominate, and safeguard cultural patrimony. Many nations eventually came to view the World Heritage List as a way for their local cultures to receive global recognition and heightened prestige (70). Akagawa and Smith explain that some UNESCO members found fault with the 1972 Convention, since it most often recognized grandiose man-made sites like castles and cathedrals located in the Western world and largely overlooked the expression of indigenous peoples and developing nations (2009). While UNESCO strove to protect physical sites from destruction due to

war, underrepresented countries with rich oral traditions called for more efforts to protect intangible heritage from the global influence of first-world media (Alivizatou 2011: 39). Representatives from Bolivia proposed such an idea initially and many other nations approved it; nevertheless, the UNESCO leadership ignored the proposal until the late 1980s. Finally, after several meetings, UNESCO released their *Recommendation on the Safeguarding of Traditional Culture and Folklore* in 1989 (Kurin 2004: 68). Members expressed interest in protecting ICH at the time of drafting, yet the 1989 Recommendation was essentially tabled for years as well. Aikawa-Faure suggests that the "lack of interest shown by member states stemmed from the fact that the Recommendation was 'soft law,' without binding force" (2009: 21).

However, as discourse on the effects of globalization[6] became more prevalent in the 1990s, UNESCO held a joint meeting in June of 1999 with the Smithsonian Institution in Washington, DC. Members of both organizations discussed the failed 1989 Recommendation and proposed a new collaborative and participatory structure that would involve community members' safeguarding of their own traditions, with help from NGOs and other cultural institutions (Kurin 2004: 68). Policymakers and scholars in anthropology and similar fields, including two ethnomusicologists (Anthony Seeger, Mahaman Garba) and a musicologist (Yamaguti Osamu), contributed to a book resulting from the conference. Entitled *Safeguarding Traditional Cultures: A Global Assessment of*

[6] I refer to globalization here in the same way that Appadurai describes the increasing "global cultural flows" (1996: 33), which include the movement of "ideas and ideologies, people and goods, images and messages, technologies and techniques" (2001: 5). With respect to the globalization of musical traditions in particular, Steven Feld argues that the normalization of "world music" as a genre towards the end of the 20th century represents both "augmented and diminished musical diversity" that stems from "increasingly complicated pluralities, uneven experiences, and consolidated powers" (2001: 190).

the 1989 UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore, it outlined suggestions as to future implementation of the 1989 Recommendation (Bouchenaki and Kurin 1999). In November of the same year, UNESCO appointed Japanese diplomat Koïchiro Matsuura its Director-General (Foley 2014: 379). Since Japan already had a long-established policy in place for the safeguarding of cultural patrimony, Matsuura brought valuable knowledge on such practices to UNESCO. The combination of the 1999 meeting and the newly appointed director served as a catalyst for the movement.

Under the direction of Matsuura, UNESCO issued the *Proclamation of Masterpieces of the Oral and Intangible Heritage* in 1997 (hereafter Masterpieces Proclamation). The program specifically targeted traditions transmitted orally and passed down through generations; it "aimed to explore possible mechanisms through which UNESCO could effectively alert the international community of the urgent need for safeguarding oral heritage worldwide" (Aikawa-Faure 2009:14). Each UNESCO member state had the option of nominating one cultural form they deemed worthy of safeguarding every two years. Once UNESCO approved the nominated tradition, the state could then apply for funding to help carry out the action plan they had proposed. However, UNESCO had few resources available to assist with safeguarding such traditions, so the responsibility for doing so fell to the state in which the host community resided. When UNESCO did provide funds, they often ended up paying the government officials or scholars helping oversee the project rather than traditional artists (Seeger 2009: 123).

Anthony Seeger provides a detailed insider-account of how nominations proceeded through the evaluation process. As the Secretary-General of the ICTM from 2001-2005, Seeger's role included finding qualified evaluators to decide whether a cultural practice should be deemed worthy of UNESCO recognition (Seeger 2009). Since the ICTM is affiliated with UNESCO, its members oversaw the evaluation of all music nominations, and subsequently the largest applicant pool (117). Seeger reveals the many challenges involved in the evaluation process, including the limited timeframe of 90 days that UNESCO gave ICTM to finish each evaluation despite the growing number of entries every year (118). Other difficulties included the top-down funding system which often compensated bureaucrats and scholars over the culture bearers; communication barriers limiting the input of some expert evaluators, given that UNESCO only accepts documents in English and French; and the homogenization of musical traditions due to the tendency of some governments to blend distinct local traditions in order to promote a single, unified form of national heritage (116, 123, 125). Despite such challenges, Seeger suggests the Masterpieces initiative can "be credited with an international surge in scholarly reflection on intangible cultural heritage programmes in general" (115).

As national commissions nominated musical practices to become Masterpieces, several academics involved in the safeguarding process began writing about their experiences and frustrations with it. In addition to Seeger, ethnomusicologists publishing material of this sort (as one example of many) include Carlos Sandroni[7] (Seeger 2015).

[7] The *Journal of Folklore Research* published a special edition (Vol. 52, No. 2-3) on UNESCO and its intangible cultural heritage, primarily focusing on folklorists and ethnomusicologists involved with the

Sandroni's collaborations with the Brazilian Institute of Historical and Artistic Heritage (IPHAN) in an effort to prepare the application for a *samba de roda* nomination highlight challenges similar to those that Seeger described in his role as Secretary-General of the ICTM. For example, Sandroni explains that the amount of time UNESCO gave IPHAN to draft an action plan was too short and led to proposals being thrown together haphazardly. Lack of a clear plan in turn made implementation difficult, and IPHAN did not carefully consider issues surrounding the disbursement of funds (2010: 377). The nomination and safeguarding of *samba de roda* took place within a top-down administrative structure, as the action plan called for a newly-formed, unified group of artists to represent the genre. Resultantly, Brazil's government asked *sambadores* of varying backgrounds and representing many distinct subgenres to convene and promote a single version of *samba de roda* that did not exist prior to the Masterpieces designation. As Sandroni suggests, "IPHAN did not 'support' the organization of *sambadores* but rather 'imposed' it" (378). The nomination of the music and dance for UNESCO recognition came directly from IPHAN and the Ministry of Culture rather than from the *samba de roda* community.

UNESCO's fostering of a top-down environment brings to mind Williams' discussion of the reinforcing hegemonic structures that divide social classes: UNESCO representatives and Brazil's Ministry of Culture (i.e., those with power and financial resources) have led local communities to homogenize practices such as *samba de roda* in

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Masterpieces Proclamation. The publication includes essays by Michael Dylan Foster, Leah Lowthorp, Kyoim Yun, Lisa Gilman, Carol Silverman, Ziying You, Anthony Seeger, Valdimar Tr. Hafstein, and Dorothy Noyes.

order to increase revenue from tourism or attract wider recognition for "national" art forms. As Seeger and others have revealed, UNESCO distributes what little funding the organization has almost exclusively to "holding meetings where plans are made and wording is hammered out" (2015: 271). Yet while the impact of the Masterpieces Proclamation varies substantially depending on each local situation, Seeger nevertheless credits it "with creating an environment in which the International Convention for the Safeguarding of the Intangible Heritage could be written, approved, and swiftly ratified by the requisite number of member states" (2009: 114). This swiftness resulted from the increased international familiarity with ICH after UNESCO initiated the Masterpieces program. After realizing the potential economic value of promoting cultural diversity, numerous countries began creating their own heritage inventories (114). Nations were thus already inclined to accept a binding convention[8] that would protect their cultural assets by means of international law. As Kurin explains, supporters of a convention argued that it "would inspire worldwide attention and also voluntary donations of significant funds to support safeguarding activities" (2004: 69). When UNESCO ratified its ICH Convention in 2003 and began its new Representative List of the Intangible Cultural Heritage of Humanity in 2009, the institution included all practices that they previously designated a Masterpiece (71).

[8] While proclamations (like the Masterpieces Proclamation) and recommendations are not legally binding, Conventions are considered a part of international law. Thus, the primary difference between UNESCO's Masterpieces Proclamation and ICH Convention is the legal responsibility of member states to carry out the safeguarding of the traditions that UNESCO designates as in need of protection through the ICH Convention (Forrest 2010).

The ICH Convention has struggled to determine both who should have the authority to designate traditions as deserving of protection and what UNESCO recognition means for the local communities it aims to protect. As discussed, national and transnational programs aiming to celebrate and document ICH began much earlier than 2003. Despite the top-down structures that UNESCO and its antecedent institutions established, the legacy of safeguarding has given some local communities agency in ways that truly benefit them. In the next section, I discuss central themes in existing scholarship on music as ICH since the creation of the new Representative Lists in 2009 and illustrate various means by which UNESCO has formally recognized such heritage.

UNESCO's 2003 ICH Convention: Themes of Scholarship and Local Impact

As familiarity with UNESCO's ICH lists have increased, so has the scholarship addressing the processes, shortcomings, and frequently negative impact of the ICH Convention. In recent years, many publications have questioned the purpose and utility of UNESCO's list-making, for instance. Others have focused on the ulterior political and economic motives of both governmental organizations and local communities surrounding ICH nominations. Still others examine the methods government organizations have employed to safeguard cultural forms in the wake of UNESCO recognition, with mixed results.

-The Making of Lists

In addition to creating a new Representative List, the 2003 ICH Convention also generated a separate "List of Intangible Cultural Heritage in Need of Urgent Safeguarding" involving traditions "that…require urgent measures to keep them alive."

This contrasts with the Representative List's goals of helping "demonstrate the diversity" of heritage and "raise awareness about its importance" ("Purpose of the Lists," www.unesco.org). The distinction between the two categories creates a hierarchy of cultural forms, with those on the Urgent Safeguarding list receiving more immediate attention. Scholars have generally questioned the efficacy creating two distinct lists, arguing that the act of distinguishing between practices in need of "urgent" safeguarding from others that only merit "normal" or "representative" safeguarding is counterproductive. Furthermore, a list's inherent purpose is to include some items and exclude others, which does not necessarily support UNESCO's primary goal of protecting many kinds of endangered heritage (Hafstein 2009:105). Thus, "the [current] system of heritage … is structured on exclusion: it gives value to certain things rather than others with reference to an assortment of criteria that can only ever be indeterminate" (93). Hafstein proposes that a registry of cultural heritage practices may prove more ethical so that communities and nation-states are not in competition with one another to 'win' UNESCO's recognition (2009: 101). Blake agrees that too much emphasis has been given to the lists and contends that states need to focus more on the actual implementation of working with the host communities to safeguard their practices. (2014: 292). Seeger similarly suggests that "the contrast between the honor of being elected to the Representative List and the tangible rewards to local tradition-bearers has often been quite large" (2015: 274). UNESCO's lists serve as little more than an empty proclamation on the part of nation states; they do not represent a commitment to assist the host communities in protecting their culture. Barbara Kirshenblatt-Gimblett questions

why the lists were "the most tangible outcome of decades of UNESCO meetings, formulations, reports, and recommendations" and argues that "some of those involved in the process of developing the intangible heritage initiative had hoped for cultural rather than metacultural outcomes; they wanted to focus on actions that would directly support local cultural reproduction, rather than on creating metacultural artifacts such as the list" (2015: 166).

-Political Boundaries

Although the aim of the ICH Convention is to safeguard cultural heritage practices, the ulterior motives behind government interest in UNESCO recognition sometimes overshadow that goal, frequently involving self-aggrandizement. Anthony Seeger confirms that there is a strong sense of nationalism that infiltrates the Masterpieces Proclamation, and the desire to boost such sentiment through musical practices carries into the ICH Convention as well (2009: 121). Applications for UNESCO recognition (in both the Masterpieces Proclamation and the ICH Convention) are almost always represented within a political nation-state boundary, regardless of whether the practice is truly contained in those borders (Foley 2014: 383). Joint nominations are more difficult due to the logistics of funding. Since most safeguarding projects are not funded directly by UNESCO, it is up to individual nations to find the necessary resources (Seeger 2015: 271). Political or cultural conflicts between bordering countries and the complexity of their individual budgets result in most nations preferring to claim intangible cultural heritage independently. For example, Bolivia and Peru have been struggling to gain independent UNESCO recognition of various similar indigenous

dances for several years (Michelle Bigenho and Henry Stobart refer to this as "the devil dance wars"; see Bigenho and Stobart 2016: 155). As the authors conclude, "the Bolivian government's desire to control intangible heritage… implies the inscribing of propertied logics and the drawing of clear boundaries with its geographic neighbors" (154).

Some scholars disagree that the ICH Convention caters primarily to nation states. Janet Blake proposes that the convention actually challenges a national approach and instead focuses on host communities (Blake 2014: 299). She provides the example of Peru and Ecuador's shared heritage of the Zápara people and explains how "multinational inscriptions have led to several cases of valuable subregional and international cooperation" (297-98). There are other examples of transnational collaboration in Latin America, such as Uruguay and Argentina's shared ICH recognition of tango, or Colombia and Ecuador's mutual recognition of marimba music ("Browse the Lists" www.unesco.org). There seems to be room for such collaboration between nations; however, the Representative List typically represents intangible heritage practices as pertaining to a particular country. Furthermore, UNESCO ICH recognition is only possible for member states, which could potentially limit a heritage practice from being acknowledged as a multinational tradition. In addition, new territoriality conditions that took effect in 2013 require nominations to come from within the state in which the cultural practice is found, making it yet more complicated for multinational nominations and favoring individual governments with sufficient resources to support their own cultural heritage practices (Ubertazzi 2015: 114-15). Thus, despite potential for transnational cooperation, the ICH Convention has established a paradigm in which

member states apply for recognition in order to boost or promote a sense of nationalism within their borders.

-Economic Gain

Government interests lie not only in boosting nationalism, but also in celebrating cultural diversity so as to attract visitors and to support tourism. Heritage scholars have noted that tourism "is not one of the lists' purposes, but it is nevertheless universally acknowledged as a major motive for inscription" (Hafstein 2009: 106). Touristic initiatives and the resulting commodification of musical practices recognized as ICH are at the forefront of heritage scholarship discourse. Many suggest that any form of standardization of cultural practices like that of UNESCO's Representative List will likely morph such practices into "commoditized spectacles that [lose] their original meaning for the practitioners" (Alivizatou 2011: 43). The need to safeguard a musical practice as a unique (and frequently essentialized) style and to record and document the music as part of UNESCO's required action plans inevitably commodifies the original tradition. Foley's research in Thailand indicates that government officials have not pressed for UNESCO ICH representation in that country because performing arts are already thriving from visiting tourists, making UNESCO's endorsement unnecessary (2014: 376). This case study suggests that the central purpose of the ICH Convention is to provide a way for countries to generate additional revenue from tourism, rather than safeguarding culture. Morgan James Luker confirms that economic motivations were favored over cultural ones in the case of tango in Argentina and Uruguay. He argues that ultimately the ICH petition to UNESCO was "more about opening and expanding

international consumer markets … than valuing tango as an existing cultural practice" (2016: 147). Ever since the implementation of the *Convention for the Protection of World Cultural and Natural Heritage* in 1972, UNESCO has become a brand of heritage recognition that today represents the most 'worthy' tangible and intangible traditions for visitors to consume.

-Methods of Safeguarding: Technology, Museums, and Intellectual Property

When a cultural form is recognized on one of UNESCO's ICH lists, it is the responsibility of the involved state(s) to work with the host community and determine a safeguarding approach. Experts in the tradition, scholars, and governmental organizations often disagree as to which methods should be used to document and preserve practices such as music making. One controversy that arises is the appropriate role of technology. Some scholars believe that in our globalizing world, the most beneficial method of safeguarding is to adopt current technologies rather than resist them. For instance, Christopher Robbins suggests that using Apple and Android apps or YouTube instructional and performance videos for documenting and preserving indigenous practices will lead to easier distribution, and ultimately an increase in capital for heritage populations (2010: 119). As part of inscription on UNESCO's ICH lists, each tradition must provide a short documentary-style video explaining the practice, in addition to a photo gallery and text description of the practice. Affiliated NGO's, regional ICH offices, or governmental organizations such as ministries of culture often compile these media components ("Browse the Lists" www.unesco.org). Many scholars are not as optimistic as Robbins about the benefits of documenting ICH practices with YouTube, arguing that

online videos largely cater to the Western world and those with Internet access, and do not consider the most appropriate modes of communication and access for members of host communities (Alivizatou 2011: 42).

A more fundamental concern regarding practices of cultural documentation, through technology or other means, comes from performance studies and specifically from Diana Taylor's archive-repertoire dichotomy. She argues that "writing has served as a strategy for repudiating and foreclosing the very embodiedness it claims to describe" (2003: 36). In other words, documenting or analyzing ICH potentially causes the erasure of the element of performance from heritage. Performance studies thus advocates an alternative to archiving that focuses on sustaining traditional methods of oral transmission and embodied knowledge. Taylor suggests the transfer of information about culture from intangible to tangible realms tends to accentuate the inevitable power inequalities that exist between knowledge holders and knowledge preservers. In reference to colonial Latin America, she explains that the power associated with written knowledge was frequently "developed and enforced without the input of the great majority of the population, the indigenous and marginal populations of the colonial period without access to systematic writing" (18). This critique could be applied to the preservation of ICH today as well, as culture bearers often do not have the funding and technological resources to document their practices without the help of larger bureaucratic entities such as governments, NGOs, and UNESCO.

Representing ICH through museum exhibits is another method of safeguarding that has become very popular (Blake 2015: 35). As Blake and others have noted, museum

curators must take care to not over-prioritize documentation and recording, and should always attempt to "enhance the function of ICH within society and the community" and to promote it "as an element of modern life" as well as a longstanding practice (32). Kirshenblatt-Gimblett takes an even more critical stance on this issue, arguing that too many cases "point to the troubled history of museums and heritage as agents of deculturation integration, as the final resting place for evidence of the success of missionizing and colonizing efforts, among others, which preserve (in the museum) what was wiped out (in the community)." She suggests that "today's museums and heritage interventions may attempt to reverse course, but there is no way back, only a metacultural way forward" (2015: 172). I interpret her statement as arguing that museums as an institution are inevitably a representation of something from the past. Blake acknowledges the potential for the exploitation and commodification of ICH by museums but maintains that using them as an archival center for storing information about local tradition can support the initiatives of communities. Online archiving, by contrast, may not afford culture bearers direct access, depending on the availability of the Internet (2015: 32). Blake proposes a new model for museums that can serve as "interpretation centres, information and documentation centres, spaces for training in the ICH, as performance spaces and workshops for artisans, as exhibition space, and so on" (33). Foley counters this suggestion, asserting that "museums are argued to be the central community centers, but this is probably largely a Western model, and, outside a few cities, museums have little reach in Southeast Asia" (2014: 388). Still others feel that museums have the potential to impact communities in a positive way, but only if new

legal policies of intellectual property are created "to prevent misuse and misappropriation" (Nwabueze 2013: 188).

A final central theme in cultural heritage scholarship is the increasing tendency among both local communities and nation-states to view ICH recognition as a way of claiming their cultural heritage as property, and thus suggests a dire need to find a solution to legally protect it. UNESCO and the World Intellectual Property Organization (WIPO) have worked together sporadically since the 1950s to find a responsible means of legally protecting music and other cultural heritage (Blake 2015: 233; Aikawa-Faure 2009: 15). However, the opinions and goals of the two organizations differ. WIPO and its followers advocate a legal or technical approach to ICH that focuses on intellectual property (IP) laws as the solution. The IP approach would, in theory, prevent artists from exploiting other cultural bearers' musical practices, as 'outsiders' would need a license in order to sample or modify the style. This solution would also likely slow the effects of globalization on musical traditions, as access to such musics would be less accessible from a legal standpoint. Conversely, UNESCO and several nations believe that member-state recognition of cultural practices is sufficient because they tend to focus on methods of sustaining the practice as a valuable component of a nation's history and culture rather than a means of economically rewarding cultural bearers vis-à-vis the market (Kurin 2004: 67). While both organizations met together in 1997 in order to find a solution to legally protecting the IP rights of folklore, as of this writing no clear approach to its legal protection has been agreed to. UNESCO's 2003 ICH Convention includes a "savings clause" that excludes any IP laws from being attached to the rules of the Convention. As

Kurin explains, "the 'savings clause' essentially postpones the discussion of who owns culture and leaves to this Convention a more programmatic orientation" (2004: 74).

Although an IP approach through copyright law may be the most common method of protection for ICH, Blake and other scholars (Yu 2008: 447; Lixinski 2013: 175) maintain that "certain fundamental characteristics of the copyright regime as classically applied [i.e., author requirement, fixation requirement,[9] limited term stipulations] render it an inappropriate form of protection for this range of heritage" (Blake 2015: 232). Most notably, an IP approach "will put the economic/development interest at the forefront" (Lixinski 2013: 1). Forrest suggests that it is "this emphasis on [the] economic importance of ICH that has commoditized heritage" (Forrest 2010: 7). In general, legal scholars propose that the focus on IP protection needs to be drastically modified in this case (UNESCO-WIPO 1985: ch. 1, art. 10; Lixinski 2013) or disregarded altogether (Yu 2008: 468). Their desire to establish new IP laws specifically for ICH derives from the inevitable commoditization of heritage and its introduction to the market when such protection is applied. As Kurin suggests, copyright law protects works "by encouraging commercial rewards for the creators" (2004: 67). Since current IP laws focus on the market and securing economic gain, ICH practices protected through these laws would turn the traditions into a product for consumption rather than serve as a method of sustaining the practice within host communities. Temporary solutions have been proposed that include protecting ICH through IP neighboring rights such as performers'

[9] As per United States Copyright Law, the fixation requirement entails "the embodiment of the work in a tangible means of expression that is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated, for a period of more than transitory duration" (Schechter and Thomas 2010: 30).

rights (UNESCO-WIPO 1985: ch. 1, art. 11; Lixinski 2013: 186). While this approach gives some degree of protection to cultural expressions, issues of forced commoditization and the question of genuine 'authorship' of the works are still problematic. Since many ICH practices in question are passed down orally from one generation to the next, performers' rights legally only protect single performances rather than a style, a genre, or even a particular song. Additionally, only fixed works are protected through performers' rights, thus it is not currently feasible to prevent cultural practices (frequently of improvisatory or variable in form) from exploitation in their entirety.

Much existing literature on ICH thus focuses on the motivations of various countries in pursuing the safeguarding of ICH, including their government's desire to boost nationalist sentiment and to promote tourism. Most scholars agree that the commoditization of cultural practices requires regulation and that too often political or economic motivations for safeguarding culture supersede ethical ones. Scholars and cultural policymakers have not identified the best solutions to remedy the current system. In the final section below, I discuss the work of four ethnomusicologists who I feel represent the most current trends in cultural policy research; I reflect on the ways their work suggests future approaches to research.

Looking Forward: Using Intangible Cultural Heritage in the "Age of Expediency"

As noted, conceptions of heritage have changed drastically in the last sixty years, beginning with members of the Birmingham School who questioned notions of culture as fixed and widely shared and noted its relation to distinct social classes. Scholars generally agreed by the end of the twentieth century that cultural heritage represented as much

something newly constructed with each generation as a symbol of the past. Largely disregarding the implications of such work, folklorists and governmental and cultural organizations such as UNESCO have chosen instead simply to celebrate cultural diversity as manifest in local communities around the world.

Jeff Todd Titon divides cultural sustainability into three distinct approaches as adopted by applied folklorists, ethnomusicologists, and anthropologists over the last century. The first attempt at sustainability by folklorists aimed to document cultural practices that were changing or disappearing due to globalization. As a reaction to Lomax's warning of a quickly approaching process of "cultural greyout" (Kurin 1997: 90), ethnomusicologists worked to physically document traditions, but without much concern for truly sustaining or revitalizing them for the future (Titon 2009b). The second approach, Titon suggests, framed cultural practices as heritage and primarily aimed to use them as a means of economic development. Again, this approach focuses less on how to maintain the musical practices and more on how to exploit them as a resource. The third and most recent approach to sustainability according to Titon (2009b) involves applied work directly with host communities in order to come up with solutions to revitalize, maintain, and benefit the musical practices and the communities who create them without concern for the music's economic potential.

Titon argues that actors such as UNESCO and their safeguarding initiatives fall into the second category of preservation, which he refers to as "cultural management" (Titon 2009a: 10). Through each stage of UNESCO's cultural heritage preservation plans, the political and economic imperatives of celebrating cultural heritage tend to

overshadow the safeguarding of what Kirshenblatt-Gimblett calls "pre-heritage culture": the acts, behaviors, or ways of life associated with such heritage before it received special recognition (2015: 172). Governments have launched many projects in the guise of cultural preservation, as mentioned, largely for their own economic or political gain. This view of "culture as resource" is what George Yúdice describes as the "expediency of culture," the incorporation of culture into the economic market as a form of investment for small communities, governments, and international investors in the belief that it will benefit them (2003: 9). Morgan Luker proposes that the increasing shift towards emphasizing the expediency of culture has resulted in an "age of expediency," "a general reframing of musical values, meanings, and uses, such that different styles and relationships can become productively synergistic for all sorts of development projects" (2016: 11).

If Luker is correct in that we have entered a new era, I argue that the distinctions between Titon's second and third stages of cultural sustainability (music as economic development vs. music as important community practice) require further conceptual elaboration. If a community's musical practices are inevitably seen as a potential economic or political resource, then trying to sustain them as purely an artistic or aesthetic way of life will not ultimately serve the community. Instead of asking how we can limit the use of music for economic development, we need to ask how ethnomusicologists can help negotiate compromises between nation states, transnational organizations or NGOs, and local communities in a way that can benefit culture bearers, both economically and otherwise. Host communities should not necessarily avoid

collaboration with UNESCO, but they need a more holistic understanding of cultural policymaking in order to propose solutions that align with larger goals of the nation state, NGO, or transnational organization but ensure positive, sustainable results at the local level as well.

Luker analyzes how managerial regimes, defined as "any entity that lays claim to the expediency of musical culture, including the cultural industries and other media corporations, nonprofit and nongovernmental arts organizations, and especially the cultural policies of local and national governments," have used Argentine tango as a representation of ICH to advance social, political, and economic goals (Luker 2016: 14). He suggests that efforts to frame tango as cultural heritage predate its inscription onto UNESCO's list in 2009 (122). Luker argues that tango has been a focus of the tourism industry since the economic crash of 2001, and thus UNESCO's recognition complemented the commoditization of tango rather than initiating it. He suggests that due to UNESCO's international prestige, the inscription of tango as ICH boosted the economic potential of the genre. The true impact of the declaration, however, consisted of how the Argentine and Uruguayan governments framed the history of tango as worthy of UNESCO nomination. The designation "validated and reinforced a growing body of recent scholarly, critical, and artistic work that has aimed to more directly acknowledge and recenter the significant historical contributions made by internal minority groups, especially Afro-Argentine residents of the city of Buenos Aires, to Argentine culture and history" (141). The Afro-Argentine population, who undoubtedly shaped the early styles and characteristics of tango music, had been largely excluded from tango narratives until

the notion of cultural diversity became a valued component of UNESCO's conception of ICH. Arguably the most important result of formal recognition, then, was how the definition of tango changed so as to become more culturally inclusive (146-47). Rather than taking a purely critical stance about the economic and political uses of music in an age of expediency, Luker calls for scholars to engage with cultural policymaking in order to better understand how managerial regimes use culture for various goals, how they themselves represent a unique culture of sorts, and how the entire process of ICH management dialogues with broader discourses.

Rodrigo Chocano, an ethnomusicologist and former employee of both UNESCO and its Latin American regional branch (CRESPIAL), also maintains that ethnomusicologists need to become more familiar with cultural policy making in order to expand literature on ICH in the future. He argues that too many scholars are simply critiquing the negative impacts of ICH programs. From his perspective, any scholar trained in anthropology or ethnomusicology will disapprove of UNESCO's attempts to safeguard musical traditions due to its tendency to essentialize cultural practices. Yet instead of merely highlighting the program's negative outcomes and creating further disconnect between policymakers and academics, Chocano believes that "we have to look at politics not necessarily as a thing with constraints, but as a thing that allows you to do things" (Chocano 2016, personal communication). Based on his experience working for UNESCO's ICH office in Peru, Chocano suggests that community members are able to reap economic benefits from UNESCO recognition if they understand how to work the system, despite the power inequalities between government institutions and local artists

(Chocano 2015). He believes that ICH projects "are the result of complex academic, technical and political negotiations between different stakeholders" (Chocano 2015). To Chocano, communities that design and implement UNESCO projects that positively impact their quality of life locally have learned how these nuanced interactions play out (Chocano 2015). Thus, he suggests ethnomusicologists can serve a more productive role as they engage with ICH by assisting culture bearers in taking advantage of the possible local benefits of such recognition.

One case study that closely reflects what both Luker and Chocano are proposing is that of Michelle Bigenho and Henry Stobart in Bolivia. The two hosted a heritage workshop that spanned four days in 2012 and "brought together 20 Bolivians involved in various areas of culture and media, some of them of indigenous backgrounds" (Bigenho and Stobart 2014). As their website explains, "the aim of the workshop was to open up civil society discussions on issues of cultural property, and to do so with a group of individuals who usually are not in dialogue with one another" (Bigenho and Stobart 2014). Participants discussed a variety of issues related to cultural heritage including commodification, legal protection, and recognition of artists. At the end of the workshop, the participants collectively drafted a proposal to revise current cultural and legal policies in Bolivia such as changing the Bolivian Copyright Law and establishing a "Cultural Summit" to help with future cultural policymaking pertaining to the interests of indigenous peoples. Participants later presented their proposals at a roundtable to government officials and cultural policymakers. While the workshop did not produce any concrete policy changes in Bolivia, the minister of culture (Pablo Groux) expressed an

interest in working towards changing policymaking procedures in the future so as to make them more inclusive (Bigenho and Stobart 2014).

The approaches to intangible cultural heritage adopted by Luker, Chocano, Bigenho, and Stobart seem to be the most logical ways forward in our increasingly global and economically-driven world. Luker's close analysis of how local artists, NGO's, UNESCO, and the Argentine government use tango to achieve various goals provides a useful model for future scholarship on intangible cultural heritage practices. The more transparent that we can make the complicated nexus of cultural policy with respect to each distinct tradition, region, and managerial regime, the more likely that the local artists will understand how to work the system to their benefit. Similarly, Chocano's work for UNESCO and CRESPIAL in Peru helps to illuminate processes of cultural policymaking that are often hidden from the general public. Understanding how managerial regimes operate is the first step toward helping local communities successfully work with them. Bigenho and Stobart provide an even more activist model in Bolivia that appears to have been received positively by all parties involved. Bigenho and Stobart's approach to engaging local communities from the ground up and educating conference participants on the complexities of cultural heritage seems to be the most productive way forward for ethnomusicological involvement with IHC as it relates to music. The more involvement that local artists have in safeguarding their own practices in tandem with cultural institutions, the better the chances that they will enjoy more benefits from ICH recognition in this increasing age of expediency.

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